

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARY O'NEAL DRUM,

Defendant.

CR-15-14-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 12, 2017. (Doc. 32.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 12, 2017. (Doc. 28.) Gary O'Neal Drum admitted that he violated the conditions of his supervised release. Drum violated the conditions of his supervised release by (1) consuming alcohol on July 5, 2017; (2) committing the crime of criminal mischief

on July 17, 2017; (3) committing the crime of disorderly conduct on August 18, 2017; (4) failing to report for substance abuse evaluation on August 24, 2017; and (5) failing to report for a sex offender evaluation on August 16, 2017. (Doc. 28.) Drum neither admitted nor denied that he consumed alcohol on July 17, 2017 and August 18, 2017. *Id.* The United States did not put on evidence regarding these allegations. *Id.*

The violations prove serious and warrant revocation of Drum's supervised release. Judge Johnston has recommended that the Court revoke Drum's supervised release and commit Drum to the custody of the Bureau of Prisons for six months. (Doc. 32 at 4.) Judge Johnston further has recommended that Drum have a period of 54 months supervised release following his custody period. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Drum's violations of his conditions represent a serious breach of the Court's trust. A sentence of custody of six months, followed by 54 months of supervised release, represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 32) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Gary O'Neal Drum be sentenced to custody for six months followed by 54 months of supervised release.

DATED this 27th day of September, 2017.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge